

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHURCH OF ALL FAITHS,
Plaintiff(s),

No. CV 13-04418 CRB

v.

DAVID BRIAN GRAY,
Defendant(s).

**ORDER RE:
APPLICATION TO PROCEED
IN FORMA PAUPERIS**

Pursuant to Civil LR 3-10, the application of plaintiff(s) in this action to proceed in forma pauperis is before the court for review. The court has considered the application and has carefully reviewed the complaint pursuant to 28 USC § 1915(e)(2).

IT IS ORDERED that leave to proceed in forma pauperis is:

☐ GRANTED and the clerk shall issue summons. IT IS FURTHER ORDERED, pursuant to 28 USC § 1915(d), that the U.S. Marshal for the Northern District of California serve, without prepayment of fees, a copy of the summons, complaint and any amendments or attachments, scheduling orders, plaintiff's affidavit and this order upon defendant(s). You must provide the Marshal with the names and current addresses of each of the defendants. It is your responsibility to ensure that the Marshal has sufficient information to identify and effect service upon each of the defendants. If the Marshal is unable to effect service of the summons and complaint upon a defendant within 120 days after the filing of the complaint through no fault of his own (for example, because you failed to provide sufficient information about the defendant or because the defendant is not where you claim), your action will be dismissed as to that defendant without prejudice under Federal Rule of Civil Procedure 4(m). This order does not relieve the court of its continuing obligation to dismiss the case if the court determines that the allegation of poverty is untrue, or that the action is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief.

☐ DENIED and the plaintiff(s) shall pay the filing fee of \$350.00 or make a partial payment of \$ no later than 30 days from the date of this order. Failure to pay the filing fee by that date will result in dismissal of the action without prejudice. The clerk shall provide plaintiff(s) a copy of Rule 4 of the Federal Rules of Civil Procedure. It is your responsibility to obtain a summons from the clerk and to effect service of the summons and complaint in accordance with Rule 4 of the Federal Rules of Civil Procedure. Failure to do so will result in dismissal of your case. This order does not relieve the court of its continuing obligation to dismiss the case if the court determines that the allegation of poverty is untrue, or that the action is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief.

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- ☒ DENIED and the action is DISMISSED based on the court's determination that the action
☒ was improperly removed from state court and this Court lacks subject matter jurisdiction. Matter is remanded to State Court. See Wayne v DHL Worldwide Express, 294 F.3d 1179, 1183 (9th Cir. 2002).
☐ fails to state a claim on which relief may be granted
☐ seeks monetary relief against a defendant who is immune from such relief.

The clerk shall terminate all pending motions and close the file.

IT IS SO ORDERED.

October 15, 2013



CHARLES R. BREYER,
United States District Chief Judge